

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FILED

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO.: 8:03-CR-77-T-30-TBM

SAMI AMIN AL-ARIAN,
SAMEEH HAMMOUDEH,
GHASSAN ZAYED BALLUT,
HATIM NAJI FARIZ

**RESPONSE OF THE UNITED STATES
TO DEFENDANT AL-ARIAN'S
MOTION TO EXCEED PAGE LIMITS**

The United States of America by Paul I. Perez, United States Attorney, Middle District of Florida, hereby files the following response to defendant Al-Arian's Motion to Exceed Page Limits:

1. On January 9, 2004, counsel for defendant Al-Arian filed a motion for an Order to allow the filing of a "Response" to the Government's Opposition to Defendant's Motion to Dismiss the Indictment which exceeds the 20 page limit imposed by Local Rule 3.01(c). (Doc. 417).

2. On January 12, 2004, the government received a copy of this so-called "Response," which is 41 pages in length, signed by both counsel for defendant Al-Arian. Upon review of the proposed filing, it is obvious that it is in fact nothing more than a "Reply" to the government's response in opposition (Doc. 346) to defendant Al-Arian's Motion to Dismiss Counts One through Four (Doc. 245, 246, and 273). It is not a motion, and it is not a response to any government motion.

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3. Upon further review of the docket sheet maintained by the Clerk's Office, counsel for Al-Arian has yet to file a request for special permission to even file such a pleading. Local Rule 3.01(a) governs the filing of motions. The second sentence of Local Rule 3.01(b) governs the filing of pleadings opposing motions. The last sentence of Local Rule 3.01(b) provides that "(n)o other briefs or legal memoranda directed to any such written motion shall be filed or served by any party unless requested by the Court." There has been no "request" made by the Court calling for any such pleading, and defendant Al-Arian has not even tried to solicit such a request.

4. Given that there has been no request by the Court for the filing of such a pleading, there is no reason for the preparation of the pleading in question, there is no reason for the serving of the pleading on the other parties, and there is no reason for a motion to allow the pleading to exceed 20 pages.

5. Clearly, counsel for Al-Arian are trying to slide this pleading into the record without anyone noticing. The motion to exceed the page limitation describes the underlying pleading as a "Response" to the government's memorandum in opposition to the defendant's motion, words chosen in a devious effort to bring it within the terms fo the first sentence of Local Rule 3.01(b). It is a classic "reply" prohibited by Local Rule 3.01(b) in the absence of a request from the Court. The motion to exceed the page limitation is silent on the issue of the Court's request and the wording of the motion makes it seem as though that issue has already been resolved in defendant's favor.

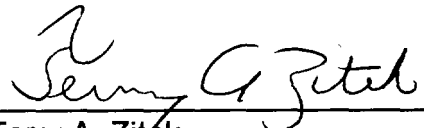
6. It can hardly be argued that counsel for defendant Al-Arian were unaware of the provisions of Local Rule 3.01(b) at the time they embarked on the course of action described above. On January 2, 2004, each counsel for defendant Al-Arian filed a declaration claiming to have read and understood the local rules. The very next action taken on their part, a mere seven days later, was in derogation from those rules.

7. Wherefore, for the foregoing reasons, the Court should deny defendant Al-Arian's Motion to Exceed the Page Limitation and state in its Order that defendant Al-Arian's reply should be zero (0) pages, and take any other action the Court deems appropriate.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent
by U.S. mail this 15th day of January, 2004, to the following:

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